## REMARKS

This amendment is submitted in response to the Examiner's Action dated June 7, 2004. Applicant has amended the claims to more clearly recite the novel features of the invention and distinguishes the claims from the references. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicant respectfully requests entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

## CLAIM REJECTIONS UNDER 35 U.S.C. § 103

At paragraph 5 of the present Office Action, Claims 1-4, 6, 9-15, 17, 20-26, 28 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ball, et al.* (US 2002/0120648 A1). At paragraph 6 of the present Office Action, Claims 5, 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ball, et al.* in view of *Miller* (US Patent No, 5,832,520).

The features of Claims 5, 16, and 27 have been incorporated into their respective independent claims. Applicant's claims are not unpatentable over *Ball* or the combination of *Ball* and *Miller* because neither reference suggests to one skilled in the art various features recited by Applicant's claimed invention.

Among the features of the claims not suggested by the references are the following:

(1) "evaluating at said client a downloaded file ..., wherein said downloaded file is stored at said client with one or more identifying parameters from among: (1) a signature string utilized to find said source identifier within said file; (2) a locator string identifying a location from which the file is sourced; (3) a date/time and version number of said file; and (4) a checksum string covering prior entries of said file";

(2) "wherein said step of evaluating is completed during a download of said downloaded file and further includes the step of attaching, when no source identifier is present, a source identifier to said downloaded file that indicates the network location from which the downloaded file is obtained";

(3) "providing an indication to a user ...; prompting said user...; and replacing, in response to said user requesting said newer version, said downloaded file with said newer version, wherein when said user does not request said newer version, a present version of said downloaded file on said client is not replaced with the newer version"; and

(4a) "enabling a user of said client to adjust said time interval, if desired"; and

(4b) "checking said source whenever said downloaded file is opened, wherein, when said checking step includes a defined periodic time interval at which said checking is automatically initiated, said method further comprises overriding said time interval by initiating said checking step at the time said downloaded file is opened."

*Ball* provides a system for accessing documents from a remote repository which enables periodic comparisons of the archived copy of the document to the current version at the repository and which updates the archive to maintain "the ability to reconstruct current versions" from the archived copy (Abstract). Examiner incorrectly attributes to *Ball* other features of Applicant's claimed invention, which features are not suggested by *Ball*. Further, absent Applicant's specification, one skilled in the art would not be inclined to extend the teachings of *Ball* to include these features of Applicant's claims.

Examiner agrees that the features of Claims 5, 16, and 27, which are now incorporated into their respective independent claims are not provided by *Ball*. Examiner incorrectly attributes these features to *Miller*. *Miller* provides a file structure for generating a "difference file" from an old file and a new file where the difference file is later used to create a copy of the new file from the old file. As stated by *Miller*, the "differing process reads strings of data from the new file, searches for the existence of those strings in the old file, and notes the locations in the old file in which the strings in the new file are found and stores in a difference file an indication of the location when the matching string is found and an indication of the length" (Abstract; emphasis added).

Clearly finding text strings in a file and locations of the text string in the file is inherently different and not suggestive of storing a "downloaded file at said client with one or more identifying parameters from among: (1) a signature string utilized to find said source identifier

within said file; (2) a locator string identifying a network location from which the file is sourced."

Thus, contrary to Examiner's assertions, one skilled in the art (even given the teachings of Applicant's claimed invention) would not conclude that the combination of *Miller*'s description of text/data strings within a file with *Ball* suggests the signature string and/or locator string features that identifies the location (on the network) from which the file is sourced. He independent claims are therefore allowable.

Several other deficiencies exist in Examiner's rejections that are based on *Ball*. For example, *Ball* is devoid of any suggestion of (1) adding a source identifier to a downloaded file or related features (Claims 2, 13, and 24) or (2) the user-directed features recited by Claims 3, 14 and 25. With respect to the first feature, Examiner clearly admits that *Ball* does not teach the "adding" feature. Examiner, however, states that this feature (which has been clarified to show that the source ID is provided to the file when the source ID is not originally present within the file) is somehow suggested by maintaining a list of pages saved. Nothing in *Ball* leads to this conclusion, and even Examiner's rejection is based on a speculative statement that *Ball* "could attach a source identifier to that page." *Ball* would have no reason to attach a source ID to a page when *Ball* specifically downloads the page from a known repository with a pre-generated list.

Regarding the second claim feature(s), Examiner incorrectly attributes to *Ball* enabling a user to select whether to retrieve a new version of the file or keep the old version of the file. *Ball* provides an automatic update function by which the archived files are updated without any user selection/input. There is no signaling of the user of a newer version and a prompting of the user to select the newer version to download to the client/system.

At paragraph 7 of the present Office Action, Claims 8, 19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ball* in view of *Kullick, et al.* (US Patent No, 5,764,992). At paragraph 8 of the present Office Action, Claims 7, 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ball* in view of *Smith, et al.* (US Patent No,

6,006,206). The above claims are dependent on respective independent claims, which Applicant has shown to be allowable. For this reason the present claims are also allowable.

Applicant also notes that with respect to the latter of the two rejections, given that there is no user control provided within *Ball*, there is also no suggestion in the combination of enabling a user to define a download/update checking interval at the client. This reasoning also applies to the rejections of Claims 9, 20, and 31 above, which specifically cover overriding the pre-defined time period for completing the checking and updating of the file.

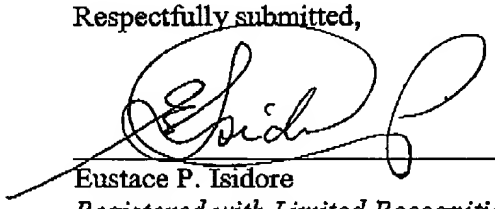
Given the above reasons, it is clear that neither *Ball* nor the various combinations of references suggests key features of Applicant's invention. One skilled in the art would not find Applicant's invention unpatentable over the combination of references, and Applicant's claims are therefore allowable over the references.

## CONCLUSION

Applicant has diligently responded to the Office Action by amending the claims to more clearly recite the novel features of the claimed invention. The amendments overcome the §103 rejection, and Applicant, therefore, respectfully requests reconsideration of the rejection and issuance of a Notice of Allowance for all claims now pending.

Applicant further respectfully requests the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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**Expires: June 17, 2005**

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